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January 19, 2021

**Via e-filing**

Honorable Ronnie Abrams, U.S.D.J.  
United States Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: ***Linnea Michaels et al v Fellowship at Auschwitz for the Study of Professional Ethics et al***  
***Docket No. 20-civ-05414 (RA)***

Dear Judge Abrams:

This law firm represents the defendants in the above-entitled action. Please accept this letter in response to the January 15, 2021 letter submitted by plaintiffs' counsel requesting an extension of time to complete service of process ("January 15 letter").

The Court entered an Order on December 16, 2020, ordering Plaintiffs "to complete service and to submit proof of service on the docket before January 15, 2021. Failure to do so will result in dismissal of the action." Dkt entry 3. ("December 16 Order") (emphasis added).

As is evident from plaintiffs' January 15 letter, they did not completed service before January 15, 2021, nor did they submit proof of service on the docket before January 15, 2021. In fact, their January 15 letter requesting an extension comes a day after the January 14, 2021 deadline set forth in the December 16 Order.

In his January 15 letter Plaintiffs' counsel, Mr. Gianakis, suggests the delays in effectuating service were the result of "the unique challenges to operations and communications that we have all faced in this past year." However, it should be noted that defense counsel emailed Mr. Gianakis on August 13, 14, and 20, 2020, to advise him that all of the defendants would waive service of the summons pursuant to Fed R. Civ. P. 4(d). The August 13, 14, and 20, 2020 emails also requested that plaintiffs' counsel forward the appropriate waiver of summons forms. Mr. Gianakis acknowledged the August emails from defendants' counsel but never forwarded the waiver of service forms.

It was not until five months later – on January 15, 2021 – that plaintiffs' counsel emailed

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handwritten waiver of service forms for the eight defendants. Finally, it should be noted that between August 20, 2020 and January 14, 2021, Mr. Gianakis never contacted defense counsel.

In light of the inexcusable five-month delay, defendants respectfully request that the Court dismiss plaintiffs' Complaint for failing to complete service and to submit proof service on the docket pursuant to the December 16 Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David E. Strand".

David E. Strand  
For FISHER & PHILLIPS LLP

cc: James P. Gianakis, Esq via e-filing